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United States Responses to Japanese Wartime Inhuman Experimentation after World War II: National Security and Wartime Exigency

Howard Brody, MD, PhD [John P. McGovern Centennial Chair in Family Medicine],

Director, Institute for the Medical Humanities, University of Texas Medical Branch, Galveston, TX USA

Sarah E. Leonard, BA [Research Assistant],

Institute for the Medical Humanities, University of Texas Medical Branch, Galveston, TX USA

Jing-Bao Nie, BMed, PhD [Associate Professor], and

Bioethics Centre, Division of Health Science, University of Otago, New Zealand; (adjunct/visiting) Hunan Normal University and Peking University, China

Paul Weindling, MA, MSc, PhD [Wellcome Trust Research Professor in the History of Medicine]

Department of History, Philosophy and Religion, Oxford Brookes University, Oxford, UK

Abstract

In 1945-46, representatives of the United States government made similar discoveries in both Germany and Japan, unearthing evidence of unethical experiments on human beings that could be viewed as war crimes. The outcomes in the two defeated nations, however, were strikingly different. In Germany, the U.S., influenced by the Canadian physician John Thompson, played a key role in bringing Nazi physicians to trial and publicizing their misdeeds. In Japan, the U.S. played an equally key role in concealing information about the biological warfare experiments and securing immunity from prosecution for the perpetrators. The greater force of appeals to national security and wartime exigency help to explain these different outcomes.

Introduction

In 1945-46, U.S. officials made similar discoveries in both Germany and Japan, unearthing evidence of unethical experiments on human beings that constituted war crimes. The outcomes in the two defeated nations, however, were strikingly different. In Germany, the U.S. played a key role in bringing Nazi physicians to trial and publicizing their misdeeds. In Japan, the U.S. played an equally key role in concealing biological warfare experiments and securing immunity for the perpetrators. How we are to understand these very different responses?

Sheldon Harris, in his authoritative history of the Japanese biological warfare program, argues that during November 1945-March 1948:

The questions of ethics and morality as they affected scientists in Japan and in the United States never once entered into a single discussion... In all the considerable documentation that has survived..., not one individual is chronicled as having said [biological warfare] human experiments were an abomination and that their perpetrators should be prosecuted. The only concern voiced was that of the possibility of exposure that would cause the United States some embarrassment should word of the bargain ever become public knowledge.¹, p. 305

In alleging that “questions of ethics and morality” were never raised, Harris seems to mean that no questions were *answered* in ways he agreed with. Much as we sympathize with his moral outrage, his statement is uninformative about the actual reasoning that the U.S. scientists employed as justification.

It is informative to compare the American response in Japan with the work of one important figure in Germany, Canadian Air Force officer John W. Thompson. Thompson recognized the German experiments as war crimes that set a dangerous precedent for the scientific community, and was uniquely influential in persuading Allied authorities to act.²

We first briefly summarize the experiments in the two countries, then describe Thompson’s activities in postwar Germany. We next recount the U.S. investigations of Japanese biological warfare experiments. We conclude by comparing the two Allied responses to medical war crimes and propose reasons for the difference.

German and Japanese Experiments

The scope and nature of these unethical experiments is well described elsewhere.^{1,3,4,5,6,7,8,9,10} A database created by Paul Weindling’s group at Oxford Brookes University has identified approximately 25,000 victims of German experiments, with confirming documentation for around 10,000.³ Only about five percent of experiments ended with the death of the subjects but many others caused severe mutilation.³

While Japanese biological warfare experiments were conducted at several locations, the best known is Unit 731, located near Harbin in Japanese-occupied Manchuria and commanded by Shiro Ishii. Established in 1936, Unit 731 eventually comprised 3000 personnel, 150 buildings, and capacity for holding 600 prisoners at a time for experimental use. Thousands of human beings were experimented on and killed at Unit 731 alone. Additional thousands were killed in other branches of Japan’s extensive biological and chemical warfare program. It is unlikely that accurate totals will ever become available.¹, pp. 86-87

The Unit 731 experiments involved infecting prisoners, primarily Chinese prisoners of war and civilians, deliberately with infectious agents, and exposing prisoners to bombs designed to penetrate the skin with infectious particles. There were no known survivors of these experiments; those who did not die from infection were killed to be studied at autopsy, and in the waning days of the war all remaining prisoners were killed to conceal evidence. Some

experiments were also done to test human responses to freezing temperatures and other extreme conditions.

Japanese military units also carried out field testing of disease-spreading weapons against both enemy troops and civilian populations. Additional thousands of deaths were caused by spreading plague-infected fleas and cholera bacilli in China in this manner, even though the experimenters developed no really efficient and well-controlled method for dispersing such agents.

The Nazis justified their experiments on three grounds—racist, eugenics/public health, and wartime national interests. The victims (primarily Jews, Roma, and Soviet prisoners of war) were believed to be racially inferior to the German-Aryan stock. Nazi party propaganda, especially effective among physicians, described the threat posed to the German people (*volk*) by racial contamination and unbridled reproduction among those with “unfit” genes. With the start of war in 1939, the attitude had been created that it seemed indefensible that the flower of German youth were facing death on the battlefield unless these racially inferior beings were also sacrificed for the war effort.⁴

Two of these justifications motivated the Japanese. They viewed the Chinese and Koreans as racially inferior.¹⁰ They also appealed frequently to patriotism.¹¹ They were not, however, concerned about threats to Japanese racial purity; rather they simply wished to eliminate inferior populations and occupy their territories for Japanese imperialist expansion. The Japanese also argued that the prisoners used as experimental subjects, as suspected resisters and communists, would have been executed in any event.

The Role of John W. Thompson

A person whose important role in post-war events has not been sufficiently recognized is John W. Thompson. Born in Mexico of American parents, educated in the U.S., and a medical graduate of Edinburgh, John West Thompson (1906-1965) entered World War II as an officer in the Royal Canadian Air Force (RCAF).² Thompson possessed varied expertise. He was a skilled enough psychiatrist to assess German war crimes defendants for underlying psychopathology. He was prominent enough in medical research later to be offered (and decline) the physiology chair at the University of Ottawa in 1946. He had studied high-altitude flying, fitting him to evaluate German wartime research in that area. Finally, he had worked at Harvard during the 1930s with physiologists Andrew Ivy and Leo Alexander, who became central figures in the Nuremberg Doctors’ Trial.^{12,13}

When he arrived in Germany in May, 1945, Thompson’s first experience involved the care of the survivors of the Bergen-Belsen concentration camp. Even after liberation, deaths mounted alarmingly from malnutrition, a typhus epidemic, and inadequate medical response.

Thompson was then assigned the task of assessing the results of German aeronautical-stress research. He quickly discerned that much of this research was conducted in an unethical manner, as was confirmed by interviews with both German scientists and surviving subjects. Eventually Thompson was named Secretary-General of the International Scientific Commission (War Crimes). However, Thompson’s influence was exercised largely through

personal contacts and diplomacy. Weindling believes that his behind-the-scenes role was important enough to merit the title “godfather of both the Nuremberg Code and informed consent.”², p. 148

In November 1946, Thompson outlined his plans for the International Scientific Commission in a report to Lester Pearson, then Canada’s Under Secretary of State for External Affairs:

...[T]o gather all evidence of German experimental work carried out in an unethical manner on human beings, and as representative scientific bodies, to

- i. pass judgment on the value of the scientific results obtained
- ii. condemn, in the name of science, the prosecution of such experiments, and finally,
- iii. lay down some definition of what may be termed a justifiable experiment where a human being is used as a subject.², p.125

These priorities reflect several ethical judgments. First, while the medical superintendent of the United Nations Relief and Rehabilitation Administration, T.B. Layton, had argued that all Nazi medical research data should be destroyed,², p. 93, Thompson thought that science demanded that any valuable results be preserved. At the same time he viewed the means of obtaining those data as unethical and criminal. Indeed, Thompson appears responsible for introducing the idea of a “medical war crime” into the official thinking of the Allied occupation in November 1945. Finally, when many thought the Nazis uniquely depraved, Thompson worried that scientists in other nations were equally capable of conducting unethical human experiments unless clear ethical boundaries were erected.

Thompson’s scientific intelligence team preserved and microfilmed a treasure trove of captured German research records—files later used by the Nuremberg prosecutors at the Doctors’ Trial. They also interviewed many Nazi scientists, but never discussed trading immunity from prosecution for access to scientific information. Among the many examples of the influence Thompson exerted over the U.S.-led responses through his personal diplomacy was helping to assure that the scientific intelligence work was closely coordinated with war crimes investigation units.

Japan: Scientific Investigations

The Japanese scientists were more astute than the Germans, both in banding together to plan their response to the American investigations and in realizing that the American interest in their data gave them a powerful bargaining chip. Like Scheherazade in the Arabian Nights tales, the Japanese interrogees became adept at revealing just enough in each interview, leaving what was yet unsaid as a tantalizing demonstration of how valuable their continued freedom would be to U.S. interests.¹, p. 265

Lt. Col. Murray Sanders, a bacteriologist was the first investigator from the U.S. biological warfare unit at Camp Detrick, Maryland to travel to Japan. Sanders was told by several interviewees in September and October 1945 that the Japanese military had engaged solely in defensive research, as biological warfare was “clearly against humanity.”¹⁴ The repetition

of this phrase suggested a prearranged script. Sanders trusted his translator, Lt. Col. Ryoichi Naito, not realizing that Naito had served in Unit 731 and was deliberately manipulating the interrogations. In a 1983 interview, Sanders admitted that he had been “deceived” during his nine-week investigation¹, p.182

The second American investigator, Lt. Col. Arvo T. Thompson, was similarly unable to extract correct information, but left in May 1946 increasingly convinced that the truth was being withheld. Gen. Ishii told Thompson that biological warfare was “inhumane” and would (if the Japanese had conducted such research) “defile the virtue and benevolence of the Emperor.”¹⁵ This was a clear statement from a Japanese source, however cynically provided, that biological warfare experiments were unethical.

The third American scientist-investigator, Dr. Norbert H. Fell, a civilian employee of Camp Detrick, arrived in 1947. Fell was more knowledgeable than his two predecessors, whose reports had primed him to look out for deception. After testing Fell, Ishii’s group apparently decided to reveal that human experiments had, in fact, been conducted for biological weapons development. Their selected go-between was a “prominent businessman,” Kanichiro Kamei, whom Fell interviewed on April 21-22, 1947. Kamei was a PhD from Columbia University who had earlier served as a translator during the investigation conducted by Murray Sanders, said that despite his efforts to “persuade the Japanese to reveal everything,”¹⁶ “the interrogations...were too soon after the surrender. However, if the men who actually know the detailed results of the experiments can be convinced that your investigation is from a purely scientific standpoint, I believe that you can get more information. ... I believe it will reassure any personnel...that you are not investigating ‘war crimes.’” Referring to a Japanese officer being interrogated, Kamei told Fell, “MASUDA admitted to me that experiments were carried out on humans.... The personnel involved in carrying out these human experiments took a vow never to disclose information. However, I feel sure that if you handle the investigation from a scientific point of view, you can obtain detailed information.”¹⁷

Two days later, Kamei stated that the Japanese feared that information given to the US “will be discovered by Communists and passed to Russia.” Those behind Kamei now saw that an emerging U.S. priority was keeping biological warfare information out of Communist hands. Kamei told Fell, “The human experiments were extensive enough to reach scientific conclusions. ...conclusions [that] are in no way based on imagination.”¹⁸ Having previously lied that all documents had been destroyed and that the surviving officers of Unit 731 had only hazy recollections of experiments, the Japanese now changed course and reassured the Americans that they had valuable information to trade for immunity from prosecution.

Fell, therefore, became the first American scientist made directly aware of activities that clearly constituted war crimes (assuming that the human experiments had been carried out without any semblance of voluntary consent). His response was to adopt Kamei’s proposal, that almost certainly originated with Ishii. Fell proceeded to inform each interrogated subject, “Investigation was to obtain scientific and technical data and was not concerned with ‘war crimes.’”¹, p. 275, ¹⁹ Harris is unsure who authorized Fell to offer such assurances; Fell lacked the military authority to make such a move on his own.¹, p. 278

However, in an addendum to his final report, dated June 24, 1947, Fell noted that the “information that has been received so far is proving of great interest here and it certainly will have a great deal of value.”²⁰ He then added:

At a conference yesterday at which the Chief of the Chemical Corps and representatives of the War, State and Justice Departments were present, it was informally agreed that the recommendations of the C.inC., FEC [Commander-in-Chief, Far East Command, i.e. General Douglas MacArthur], and the Chief, Chemical Corps would be accepted, i.e. that all information obtained in this investigation would be held in intelligence channels and not used for ‘War Crimes’ programs.¹⁷

Harris argues that the Joint Chiefs of Staff would have had to approve a decision of this gravity,^{1, p. 278} and they in turn would have proceeded only with cabinet-level if not Presidential approval.^{1, p. 279} This decision kept all information about the human biological warfare experiments within intelligence channels, labeled top secret, whereas war crimes prosecution would entail public disclosure. The Fell report shows that these options were weighed and that scientific and military value took priority over ethical and criminal accountability.

The final report by U.S. scientists from Camp Detrick was submitted in December 1947, by technical director Dr. Edwin V. Hill and staff pathologist Dr. Joseph Victor. Ishii’s group now gave the Americans detailed reports on the experimental program, including a listing of 8000 pathological slides and hundreds of color drawings.

From an ethical standpoint, the Hill-Victor report is most notable for statements that have since been widely quoted.²¹ Hill and Victor summarized the Japanese data, “Such information could not be obtained in our own laboratories because of scruples attached to human experimentation....It is hoped that the individuals who voluntarily contributed this information will be spared embarrassment because of it and that every effort will be taken to prevent this information from falling into other hands.”²² The ethical reasoning implicit in this passage seemed to be:

1. U.S. scientists have “scruples” regarding experimentation on humans. The Japanese scientists had no such scruples, indicating that their activities were unethical if not criminal.
2. Having conducted unethical and criminal experiments, the Japanese scientists are therefore in a position to be embarrassed by their revelation.
3. Saving the Japanese scientists (who belatedly cooperated with the U.S. inquiry) from embarrassment is a higher ethical priority than securing accountability for war crimes.
4. The overriding goals are first, to secure these unique (because unscrupulous) data for the U.S., and second, to prevent them from “falling into other [i.e., Communist] hands.”

Hill and Victor added a further argument based on cost-effectiveness. They calculated that the U.S. had so far spent approximately 250,000 yen in its investigations of the Japanese

biological warfare program. By contrast, Ishii's research had cost "many millions of dollars and years of work" (with no mention of the human costs in lives and misery). In short, the U.S. had paid proportionally a "mere pittance" compared to the cost of generating these data.¹⁹ This became a further argument for taking the data and assuring that the Japanese who provided it were not subjected to "embarrassment."

Although conjecture, it is tempting to read into these statements a further conclusion that the Americans, contrasting their slow progress at Camp Detrick with the apparently vast accomplishments of Unit 731, were appreciative of what the Japanese lack of "scruples" had achieved.

Military Legal Investigations

The Japanese scientists were worried about war crimes prosecutions then being pursued by the Adjutant General's Office.^{1, p. 288} The difference between the scientific and legal investigations formed a striking contrast between Germany and Japan. In Germany, the very idea of "medical war crimes" originated among the scientists investigating the experiments, who then lobbied the legal staff to pursue prosecutions. In Japan, the legal staff was independently seeking evidence to prosecute war crimes, and the scientists were instrumental in stopping them.

The legal section received both anonymous and signed accusations against Ishii. In November, 1946, investigators wrote, "This information is being included in this report as another indication of mounting complaints concerning the alleged activities of General ISHII and his associates...principal among which are alleged to have been infecting Prisoners of War with glanders for experimental purposes."²³

However, further investigation and prosecution was stymied by the Joint Chiefs of Staff as early as March 1947. They ordered the Adjutant General's Office to seek the approval of military intelligence (G-2) for any further activities and to treat all related documents as top secret. It took another year for the final decision to be reached at the highest levels. The complicating factor was repeated requests from the Soviets, officially U.S. allies against Japan, to be allowed to interrogate the Japanese scientists. U.S. authorities were torn between the desire to deny the Russians access, even at the cost of an international incident, and their suspicion that allowing the Soviets to interrogate the Japanese with Americans present could reveal useful tips about the Soviets' current knowledge of bacteriological warfare.^{1, pp. 291-300}

A task force of the State-War-Navy Coordinating Committee (SWNCC), a high-level group overseeing the military occupation, indirectly admitted on August 1, 1947 their shaky ethical position. They acknowledged that Unit 731 "violate[d] the rules of land warfare,"²⁴ and that the Japanese experiments were similar to those for which Germans had been tried for war crimes.^{1, p. 301, 25}

The task force now needed justification for refusing to prosecute. First they concluded that the evidence available was insufficient to document legal guilt. This was fallacious, both because it misrepresented the evidence then documented in Adjutant General reports, and

also ignored the fact that confirmatory evidence was not being pursued specifically in response to military orders. Finally, the task force appealed to the same reasoning in the scientific reports: “The value to the U.S. of Japanese [biological warfare] data is of such importance to national security as to far outweigh the value accruing from ‘war crimes’ prosecution.”¹, p. 301, ²⁶ This conclusion amounted to a major coup for Ishii. When the full assessment of the Japanese data was finally completed, the Camp Detrick staff learned virtually nothing beyond what the Americans had already discovered by more “scrupulous” means.¹, pp. 301-302

The SWNCC did not act on the task force’s recommendations for another six months. The Joint Chiefs’ final order placing all information under G-2 purview and ceasing all prosecutions against Ishii and associates was sent on March 13, 1948. By that time the Toyko war crimes trials against high Japanese military officials had been concluded, so the SWNCC review constituted a delaying tactic.¹, p. 304

Aftermath

The aftermath to the cover-up of Japanese medical war crimes has been extensively documented elsewhere.^{1,9,10,27} Unlike the U.S., the Soviet Union tried twelve captured Japanese military personnel from Unit 731 in Khabarovsk for war crimes and later published the proceedings.^{1,10,28} U.S. authorities dismissed the proceedings as communist propaganda, though in hindsight the information presented was reasonably accurate.^{10,29} The relatively light sentences given to the perpetrators, compared to the seriousness of the charges against them, suggested that the Soviets, like the Americans, traded leniency for access to data.^{1,10}

Discussion: Wartime Exigency

The Allies’ ethical decisions differed sharply in Germany and in Japan. The divergence can be explained partly by Japanese ruthlessness. Thompson was probably influenced by his direct contact with survivors of the concentration camps. The Japanese assured that no Allied personnel could encounter survivors of Unit 731, because they left no survivors. The women of Ravensbrück, who displayed their experimental wound scars, were among the most effective prosecution witnesses at Nuremberg;⁷ the Japanese eliminated all potential witnesses.

Contrary to Harris’s claim that no ethical thinking appears in the American documents on Japan, there was no lack of ethical perception.³⁰ The Americans clearly saw a problem requiring ethical justification. Although today we regard their ethical thinking as seriously flawed; nevertheless, it was a form of ethical reasoning.

Previous analyses of the Nazi and Japanese transgressions and the U.S. cover-up have stressed national security concerns and nationalist ideology.^{27,29,31} We suggest expanding this list to include *wartime exigency*.

National security, by itself, explains why basic human rights might be overridden by measures presumed necessary for national survival. This explanation, however, cannot fully account for the reasoning we encounter in post-war occupied Japan. *Wartime exigency* better captures the sense of *urgency* and the impatience with a full discussion of ethical options or

with a fastidious inquiry into abuses of rights. National security may ultimately set the actors' priorities, but cannot by itself explain the way decisions are made or not made. By contrast, "Don't you realize that there's a war going on?" better accounts for the reasoning recorded in the American documents. As Edmund Pellegrino summarized the rationalizations of the Nazi physicians, "To resist would have been treasonous; ethics must be subordinate to the demands of war."³², p. 308

In its moral implications, wartime exigency might be seen as a darker version of carnival (when "carnival" is viewed as a general cultural phenomenon rather than as any specific, local celebration).^{33, 34} All year, people chafe under social constraints, which especially affect the underclasses. Once a year, people are able to break these constraints by overturning the usual social conventions, wearing masks to escape personal responsibility. Since even the underclasses have a stake in maintaining the social order, all are reassured that this overturning of convention is only temporary, and in a few days things will return to normal.

In peacetime, people who have strong cruel, sadistic impulses chafe at the moral constraints that forbid them from acting upon these impulses. People who have such impulses are often poorly equipped to engage in careful moral reasoning, so they may also be frustrated when, better fitted for casuistical reasoning, appear to get away with shady moral behavior. Wartime loosens unwelcome constraint for such individuals. They act out their impulses, citing the highest of motives -- patriotism. They feel free to thwart anyone who questions their morality, since "Don't you know there's a war going on?" cuts off all moral debate at the outset. Finally, should any guilt feelings arise, they can comfort themselves with the illusion that all this is only temporary--soon the war will be won, peace will ensue, and the normal moral order can be restored.

In another example of wartime exigency trumping human rights, David Rothman describes the Committee on Medical Research (CMR) that oversaw war-related science in the U.S. during 1941-45. The CMR accepted that research on human subjects required informed, voluntary consent. However, they applied that understanding inconsistently. They approved, for example, a study of an anti-malarial drug in 500 Illinois prisoners who were deliberately infected with the disease; one prisoner died. They proudly reported these experiments in press releases that lauded the inmates' willingness to volunteer, stating, "these one-time enemies to society appreciate to the fullest extent just how completely this is everybody's war."³⁵ Any concerns about the prisoners' ability to consent voluntarily to risky experiments were eclipsed by war-effort fervor.

Wartime exigency does more than simply prioritize national security over human rights. It urges toughness and decisiveness in decision-making, so that a moral blindness that would be seen as a deficiency in other times is instead seen as a virtue and a necessity.

Wartime exigency is worth labeling as a specific factor alongside national security particularly because of how our contemporary culture is seemingly engaged in a perpetual state of war. The war against the Axis powers was immediately supplanted by the Cold War, and the exigencies of that war were viewed as justifying the egregious actions taken in

Japan. American society saw the end of the Cold War in 1989, but then declared an interminable War on Terror in 2001, and that most recent war has been implicated in a number of indefensible ethical and policy choices.³⁶

Conclusions

Thompson in Germany decided that the war was over, that the Germans had done terrible things under the pressure of racism, national security, and wartime exigency, and that future scientists in other nations would be tempted to commit similar crimes unless people decisively spoke out. The American scientists and policymakers in Japan decided that a new war was being waged and that national security and wartime exigency justified exonerating the perpetrators of Unit 731 and covering up their crimes.

By proposing wartime exigency as one ethical reason for the American cover-up, we do not mean to suggest that this reason operated without certain political and socio-cultural contexts, particularly the Cold War environment.^{32,34} Another socio-historical element that has not been discussed, to our knowledge, is the role of racism. It might appear that racism played only a relatively minor part in American calculations. However, there was an obvious double standard in the American postwar responses to the experiments upon different nationalities. A U.S. tribunal in Yokohama in 1948 indicted nine Japanese physician-professors and medical students for conducting vivisection upon captured American fliers.³⁷ Two professors were sentenced to death and others to 15-20 years' imprisonment, much harsher than the sentences of the Russian Khabarovsk trial. The war between Japan and the United States was not only a war of empires and powers, but also a war of races.³⁸ The military and political end of the Pacific war did not immediately end the racist socio-historical context.

One might object that our condemnation of events in Japan lacks ethical substance, since it might simply count as an argument of the form, "People did something years ago; today we would condemn what they did; therefore we must be right and they must be wrong." We believe that we have defended against this objection by comparing two reactions to wartime experiments that were instituted by the same nation at roughly the same time. We have argued that the U.S. position in Japan would stand condemned as unethical if one merely applied the same standards that were then being applied in Germany.

Another objection might compare the tack taken by Americans in Japan with common law-enforcement practices, granting selective immunity to certain criminals as part of a wider effort to fight crime. There are several reasons why this analogy fails. First, if anyone were to adopt a strategy of granting immunity to gather confessions which would then lead to the prosecution of guiltier parties, it would have been the military legal authorities. But we have seen that it was the legal authorities who were seeking war crimes prosecution, while the scientific authorities were all for granting immunity. Second, and more telling, there was no effort to use any of these confessions as tools to prosecute other guilty parties. The overall goal of the U.S. effort in Japan was effectively to grant immunity to the entire Japanese medical profession, and to assure that no prosecution for "medical war crimes" ever took place. Far from being an acceptable strategy in a difficult situation, the U.S. cover-up met both ethical and legal criteria for "complicity after fact."²⁷

According to the arguments we have put forth, it is essential to condemn both the Japanese war criminals and the Americans who covered up their crimes. But mere condemnation risks treating the Japanese perpetrators and the American officials as the radical “others” of humanity, our moral inferiors. To pursue a deeper understanding is not to rationalize or justify the atrocities but to identify the historical and ethical causes of why things went so terribly wrong. However faulty the ethical reasoning employed in the cover-up, by studying it we gain important insights into where such flawed reasoning may next be applied today and tomorrow.

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